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LETTER FROM RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
REGARDING EVALUATION OF URBAN FILL AT CODDINGTON POINT NS NEWPORT RI
3/5/2012
RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 5, 2012

Mr. Timothy A. Reisch
NAVFAC MIDLANT (Code OPTE3)
Environmental Restoration
Building Z-144, Room 109
9742 Maryland Avenue
Norfolk, VA 23511-3095

Re: Evaluation of Urban Fill – Coddington Point
Naval Station Newport, Newport, RI

Dear Mr. Reisch:

The Office of Waste Management is in receipt of the *Evaluation of Urban Fill – Coddington Point* document dated January 2012, in addition to the letter to Ms. Kymberlee Keckler of the USEPA dated 30 January 2012 regarding the addition of new study areas to the Naval Education and Training Center (NETC), Newport, RI.

Ms. Kymberlee Keckler sent a letter to the Navy on 26 October 2011 requesting the Navy to identify areas of the NETC Superfund Site where asbestos releases have occurred. EPA recommended that these sites be added to the Federal Facilities Agreement (FFA) as study areas for investigation and remediation under CERCLA pursuant to Section XXXI of the FFA, and requested the Navy to submit a schedule for the development of a Study Area Screening Evaluation (SASE) as required by Section 31.5 of the FFA.

Section 31.3 of the FFA states “the Parties shall have thirty (30) days from the date of receipt of notification pursuant to Paragraph 31.2 to agree whether such area shall be addressed under this Agreement as a Study Area.” Please be advised that RIDEM does not agree that these areas should be addressed as study areas under the FFA. Therefore, it is this Office’s position that the eight Areas of Concern (AOCs) presented in the *Evaluation of Urban Fill* document are not currently considered study areas as part of the FFA. We do not see the need for adding them to the FFA and we are still hoping to work with the Navy under our State program to address these areas. It is RIDEM’s belief that these eight sites can be investigated quickly and completely, if all parties are willing to work together, under our State regulations.

Specifically, the Office of Waste Management issued a Letter of Responsibility (LOR) to Naval Station Newport on 31 May 2011, followed by a Notice of Intent to Enforce (NOIE) on 13 July 2011 for the Navy's non-compliance with the LOR, in regards to these eight potential areas of concern. The LOR requested further investigation of the Site's soil and groundwater at these eight sites in accordance with the Remediation Regulations, and the submission of a Site Investigation Report (SIR) followed by a Remedial Action Work Plan (RAWP) to bring the sites into compliance with both the Remediation Regulations and Solid Waste Regulations.

Therefore, this Office is not submitting comments on the *Evaluation of Urban Fill* document as this document does not attempt to characterize these sites as required. In this case, we have been given no information or data to even begin to make a decision on whether or not urban fill exists at these sites as no environmental data has been collected to date. The Navy has conceded that construction debris exists at some or all of these locations. RIDEM does not define urban fill in our regulations nor does it have a policy that exempts it from our regulations. Any sites, such as these, where construction debris and suspected contamination exist must be fully characterized. We look forward to formal response to this letter from the Navy within 15 calendar days of the date of this letter. Failure to do so may force RIDEM to pursue enforcement actions to compel the Navy to characterize these sites and bring them into compliance with the Remediation Regulations.

If you have any questions regarding this letter, please contact me at (401) 222-2797 ext. 7020 or at pamela.crump@dem.ri.gov.

Sincerely,



Pamela E. Crump
Sanitary Engineer
Office of Waste Management

cc: Leo Hellested - RIDEM
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Gary Jablonski - RIDEM
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Tracee Tyrell - RIDEM
Winoma Johnson - NAVFAC MIDLANT
Steve Parker - TetraTech
Kymberlee Keckler - USEPA
David Dorocz - NAVSTA Newport